

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADAM BLASKOWSKI,

Plaintiff,

v.

STATE OF MINNESOTA and
WILLIAM CASHMAN,

Defendants.

Case No. 1:23-CV-707

Hon. Paul L. Maloney

ORDER TO TRANSFER VENUE

Pro se plaintiff resides in Waite Park, Minnesota. He filed a complaint against defendants State of Minnesota and William Cashman, 725 Courthouse Square, St. Cloud, Minnesota.¹ Plaintiff appears to seek relief under the Americans with Disabilities Act, *i.e.*, his statement of claim consists of the abbreviation “ADA”. *See* Compl. (ECF No. 1, PageID.4). Plaintiff has improperly filed this action in the United States District Court for the Western District of Michigan. For the reasons discussed below, this matter will be transferred to the United States District Court for the District of Minnesota.²

The general venue provisions in 28 U.S.C. § 1391(b) provide in pertinent part that a civil action may be brought in “(1) a judicial district in which any defendant resides, if all

¹ The individual being sued may appears to be Judge William Cashman of the Seventh Judicial Circuit, Stearns County, Minnesota. The Stearns County Courthouse is located at 725 Courthouse Square, St. Cloud, Minnesota.

² This case has been referred to the undersigned for handling of all matters under § 636(a) and § 636(b)(1)(A) and for submission of recommendations on dispositive motions under § 636(b)(1)(B). *See* Order (ECF No. 5). “The transfer of venue is a non-dispositive matter.” *Marshall v. George*, No. 1:20-cv-722, 2020 WL 6318593 at *1, fn. 1 (W.D. Mich. Oct. 28, 2020)

defendants are residents of the State in which the district is located” or “(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated”.

As discussed, plaintiff’s claim involves the ADA.

Venue for claims under the ADA is governed by 42 U.S.C. § 2000e-5(f)(3). 42 U.S.C. § 12117(a). Under 42 U.S.C. § 2000e-5(f)(3), a plaintiff may file suit in any one of four judicial districts:

[1] any judicial district in the State in which the unlawful employment practice is alleged to have been committed, [2] in the judicial district in which the employment records relevant to such practice are maintained and administered, or [3] in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, [4] but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office.

42 U.S.C. § 2000e-5(f)(3).

Perrywatson v. United Airlines, Inc., No. 1:09 CV 1957, 2010 WL 359696 at *2-3 (N.D. Ohio Jan. 29, 2010).

Finally, 28 § 1406(a) provides that,

The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

Here, neither of the defendants reside within the counties which comprise the Western District of Michigan and plaintiff has not alleged any events which occurred in Michigan. The only location identified by plaintiff is the address of defendant Cashman in St. Cloud,

Minnesota, which lies in Stearns County. Based on plaintiff's cryptic complaint, venue is proper only in the District of Minnesota.³ Accordingly,

IT IS ORDERED that this case be transferred to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. § 1406(a). **This Court has not decided plaintiff's motion to proceed *in forma pauperis*.**

Dated: July 6, 2023

/s/ Ray Kent
RAY KENT
United States Magistrate Judge

³ 28 U.S.C. § 103 provides that, "Minnesota constitutes one judicial district comprising six divisions. . . (6) The Sixth Division comprises the counties of Becker, Beltrami, Big Stone, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnommen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stearns, Stevens, Todd, Traverse, Wadena, and Wilkin."